

Legal Environment

The media in Germany remained relatively free and vibrant in 2014. The German constitution and basic laws guarantee freedom of expression and of the press, but there are provisions banning hate speech, Holocaust denial, and Nazi propaganda. Although defamation and insult are criminal offenses, no journalists were convicted during the year. An antiterrorism law that gives the police greater power to conduct covert surveillance took effect in 2009. It permits remote and secret searches of computers, telephone lines, and homes of suspected terrorists. Journalists continue to be concerned that this law will limit their ability to keep sources confidential. In May 2014, journalist Marie Delhaes revealed that state police in Baden-Württemberg had threatened her with a fine if she did not testify against a source suspected of Islamic extremism; the police reportedly took the suspect into custody after monitoring Delhaes's communications with him. The case was unresolved at year's end.

A number of rulings from German and European Union (EU) courts, as well as declarations from officials, signaled changes in the climate for data protection and privacy in Germany in 2014. In April, the EU Court of Justice overturned the controversial Data Retention Directive, which had required telecommunications companies and internet service providers in member states to store user data for up to six months. The government of Germany, where the Constitutional Court had rejected domestic enforcement of the directive, stated its intentions to draft a new federal law on data retention following the EU verdict. In a case between Facebook and a German consumer group, a Berlin appeals court ruled in February that the social media company must comply with Germany's data protection laws. In June, EU justice ministers issued a declaration that foreign companies operating in member states must abide by EU regulations on data protection. The ministers' declaration followed a May ruling by the European Court of Justice on the "right to be forgotten," by which EU citizens can request the removal of "inadequate or irrelevant" information from search engines like Google. The German government had not implemented legislative solutions to the issue of data protection at year's end.

Freedom of information legislation that took effect in 2006 established that information held by public authorities should be open and available, but it contains numerous exceptions. Requests must be processed by the government authority that receives them within a month, and information can be given orally, electronically, or in writing. Although basic information is provided free of charge, the Ministry of the Interior has set fees for certain types of requests. Use of the law has been limited, hampered by the weakness of supporting legislation and infrastructure at the regional level. In 2011, a coalition of freedom of information organizations launched a website, Frag den Staat, to ease the process of submitting requests and encourage the exercise of the right to information. Since its inception, the site has helped to launch some 5,000 information requests.

Political Environment

The German media generally enjoy editorial independence. A few cases of political and economic actors attempting to interfere with news coverage were revealed in 2012, but the issue was not significant in 2014.

Nazi propaganda and accessing online child pornography are illegal in Germany, and laws prohibiting incitement to hatred are often applied to denial of the Holocaust. Although there are no prepublication censorship regulations, the German courts and other authorities have attempted to remove web content,

citing defamation, privacy, security, and hate speech, according to Google's Transparency Report. In late 2012, German police successfully petitioned Twitter to remove tweets posted by extreme right-wing group, Besseres Hannover, for inciting racial hatred.

Violence against journalists, though generally rare, increased in 2014, including threats and harassment against journalists and outlets covering activities of far-right groups. In April and December, a photojournalist faced arson attacks on his car after receiving anonymous threats with neo-Nazi rhetoric. A similar attack was carried out against a Berlin-based tabloid columnist in March. The office of the Brandenburg-based *Lausitzer Rundschau*, known for its monitoring of neo-Nazi activity in the region, was vandalized twice with xenophobic and extremist graffiti in September.

Economic Environment

There are more than 300 daily and over 20 weekly newspapers in Germany. While local and regional newspapers have the greatest influence, there are seven major nationally distributed titles, in addition to a number of smaller publications that circulate nationally. Germany is host to the biggest newspaper market in Europe, and the increasing accessibility of the internet—about 86 percent of Germans used it in 2014—has maintained a medium for serious journalism and diverse views. Nearly two-thirds of Germans continue to read newspapers regularly, and many newspapers have successfully adapted to the “paywall” model to maintain revenue, making Germany among the most successful and vibrant media environments in Europe. Nevertheless, financial strains have had an impact on the resources and capacity of many publications. In late 2012, the *Financial Times Deutschland* newspaper went out of business. The owners of another national daily, the left-leaning *Frankfurter Rundschau*, announced bankruptcy in 2012, but the newspaper was jointly purchased by conservative *Frankfurter Allgemeine Zeitung* and a media house the following year, and has continued publication.

In October 2012, the German parliament passed an amendment to the Act against Restraints on Competition in an attempt to facilitate the merger of print outlets. Provisions of this amendment stipulate that smaller transactions between press companies will not be subject to merger control. The amendment went into effect at the end of June 2013. Although advocacy groups argued that the new rules could harm media diversity, there was no evidence to this end in 2014.

Germany's television market is among the most competitive in Europe, and more than 90 percent of households have cable or satellite television. There are nine regional public-service broadcasters for the country's 16 states, plus the national public-service channel ZDF and two national public radio stations. All of these outlets are financed primarily by license fees and managed by independent bodies. In addition, a number of private broadcast outlets operate throughout the country. Germany is home to some of the world's largest media conglomerates.